

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EARLINE BANKS,

Plaintiff,

Civil No. 04-70933  
Hon. John Feikens

v.

ANTHONY J. PRINCIPI, Secretary  
Department of Veterans Affairs

Defendant.

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**OPINION AND ORDER**

Defendant moves to dismiss this suit, arguing Plaintiff has not exhausted her administrative remedies with regard to her claim of retaliatory discharge, as is required by law. An earlier administrative proceeding dealt with allegations that did not include a claim of retaliatory discharge. After a hearing on this case, I gave Plaintiff leave to amend her Complaint. Because Plaintiff has since amended her Complaint and the Amended Complaint contains no allegations of retaliatory discharge, I DENY the Government's Motion to Dismiss.

**IT IS SO ORDERED.**

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John Feikens  
United States District Judge

Date: \_\_\_\_\_